

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

TENTATIVE ORDER NO. R8-2002-0014

GENERAL WASTE DISCHARGE REQUIREMENTS

**FOR
SEWAGE COLLECTION AGENCIES IN
ORANGE COUNTY
WITHIN THE SANTA ANA REGION
(November 15, 2001 Draft)**

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. The following federal agencies, municipalities, counties, districts or other public bodies, which own or have responsibilities for sanitary sewer collection systems or any facilities which collect or convey untreated sewage wastewater in the portions of Orange County within the Santa Ana Region, are named as dischargers (or permittees) in this Order. Since most of these dischargers are tributary to the Orange County Sanitation District (OCSD), the OCSD may lead a steering committee for all other entities tributary to OCSD, for the purposes of complying with the requirements of this Order.

City of Anaheim	City of Newport Beach
City of Brea	City of Orange
City of Beuna Park	City of Placentia
Costa Mesa Sanitary District	Rossmoor/Los Alamitos Area Sewer District
City of Cypress	City of Santa Ana
City of Fountain Valley	City of Seal Beach
City of Fullerton	City of Stanton
Garden Grove Sanitary District	Sunset Beach Sanitary District
City of Huntington Beach	County of Orange Unincorporated Area 7
City of La Palma	City of Villa Park
Irvine Ranch Water District	City of Yorba Linda
City of La Habra	Yorba Linda Water District

Orange County Sanitation District (OCSD)	Midway City Sanitation District
City of Los Alamitos	El Toro Water District
U.S. Air Force Reserve Center Los Alamitos	Joint Forces Training Base Los Alamitos
Marine Corps Air Station El Toro/Tustin	Naval Weapons Station Seal Beach

2. A sanitary sewer system is a sewage wastewater collection system including sewers, pipes, pumps, or other conveyances which convey sewage wastewater (e.g. domestic, commercial, and industrial wastewaters) to a sewage treatment plant. A sanitary sewer system overflow (SSO) is each instance of a discharge from a sanitary sewer system at any point prior to its treatment and proper disposal. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, highlines, etc.) are considered to be part of the sanitary sewer system, and discharges of sewage to these facilities are not sanitary sewer overflows, provided that sewage from these facilities is not discharged to waters of the State.
3. Sanitary sewer overflows (SSOs) consist of varying mixtures of domestic sewage, and industrial and commercial wastewater depending on the pattern of land uses in the sewage collection system tributary area. SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen demanding organic compounds, oil and grease and other pollutants. SSOs may cause a nuisance, cause temporary exceedances of applicable water quality standards when the sewage is discharged to surface waters of the State, pose a threat to the public health, adversely affect aquatic life, and impair the public recreational use and aesthetic enjoyment of surface waters. Section 13050(m) of the California Water Code defines a nuisance as anything that meets the following requirements: (1) Is injurious to health, or is indecent to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. (2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (3) Occurs during, or as the result of, the treatment or disposal of waste.
4. SSOs are a frequent occurrence in the portions of Orange County within the Santa Ana Region. The chief causes of sanitary sewer overflows in Orange County include grease blockages, root blockages, sewer line flood damage,

manhole structure failures, vandalism, pump station mechanical failures, power outages, storm or ground water inflow/infiltration, debris blockages, collection system age and construction material failures, lack of proper operation and maintenance, lack of capacity and contractor caused damages. Most of these SSOs are preventable with adequate and appropriate source control measures and operation and maintenance of the sewage collection system.

5. In Orange County, from January 1, 2000 through August 30, 2001, there were approximately 250 SSOs. SSOs from publicly owned sewage collection systems accounted for almost 75% of these sewage spills, with the remainder occurring on private property. On 31 occasions during this time period, beach waters were closed to body contact recreation resulting in a loss of 16.5 beach mile days (beach mile days=miles of beach X number of days of closure) of beneficial uses. Seventeen of these beach water closures were caused by sewage spills from systems owned by public agencies, and the other 14 closures resulted from sewage spills on private property that were not contained and resulted in a discharge to waters of the State. Areas where beach water was closed to body contact recreation include portions of Seal Beach, Sunset Beach, Huntington Beach, Newport Beach, Crystal Cove State Park, Newport Bay, and Huntington Harbor. Many of these SSOs that caused beach water closures also caused violations of water quality standards in other surface water bodies, such as the San Gabriel River, Coyote Creek, San Diego Creek and other surface water bodies in Orange County.
6. The beach water closures occur when sewage is present, and warnings are posted when any water quality standard is exceeded (postings). Therefore, warning signs are posted at storm drain outlets to the ocean during storm events along the beach (during the AB411 period April 1st through October 31st) otherwise the rainfall advisory is issued for all storms. During the January 1, 2000 through August 30, 2001 period, the Orange County Health Care Agency (OCHCA) also posted many of the same beach areas warning the public that concentrations of indicator bacteria at one of OCHCA's frequent monitoring stations exceeded the State health standards. In addition to SSOs, urban runoff and storm water generally contain elevated levels of bacteria. Therefore, warning signs are posted at storm drain outlets to the ocean, during storm events along the beach, and at outlets of creeks, streams and rivers. The OCHCA has posted notices of exceedances of water quality objectives that has resulted in 99.4 beach mile days of violations of water quality standards in January through August 2001.
7. A revised "Water Quality Control Plan for the Santa Ana River Basin (8)" (hereinafter Basin Plan) became effective on January 24, 1995. The Basin Plan designates beneficial uses, narrative and numerical water quality objectives, and prohibits certain types of discharges. The Basin Plan establishes body contact

recreation as a beneficial use of the Pacific Ocean and all surface water bodies within Orange County. The Basin Plan also includes a numeric water quality objective for coliform to protect and maintain this beneficial use. The coliform objective is specified as a 30-day geometric mean of no more than 200 MPN/100 ml of fecal coliform. The Basin Plan also includes, by reference, the California Ocean Plan standards for ocean waters in the Region.

8. The Basin Plan contains the following prohibition:

“The discharge of untreated sewage to any surface water stream, natural or man-made, or to any drainage system intended to convey storm water runoff to surface water streams, is prohibited.”
9. California Water Code Section 13243 provides that a Regional Board, in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, is not permitted. The requirements specified in this order are consistent with the Basin Plan prohibition and Water Code Section 13243.
10. The issuance of a single general waste discharge requirement to the dischargers will:
 - a) Reduce the administrative burden of issuing individual waste discharge requirements to each discharger; and
 - b) Provide for a unified regional approach for the reporting and database tracking of sanitary sewer overflows.
11. This project involves a prohibition of discharge and as such is exempt from the provisions of the California Environmental Quality Act in accordance with Title 14, California Administrative Code, Chapter 3, Section 15308.
12. The Regional Board has considered all water resource related environmental factors associated with this prohibition of discharge of waste.
13. The Regional Board has notified the dischargers and all known interested parties of the intent to prescribe waste discharge requirements to prohibit unauthorized discharges from sanitary sewer systems.
14. The Regional Board has, at a public meeting on December 7, 2001, held or provided an opportunity for a public hearing, and heard and considered all comments pertaining to the terms and conditions of this Order.

IT IS HEREBY ORDERED, that the dischargers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharge of untreated sewage to any surface water stream, natural or man-made, or to any drainage system intended to convey storm water runoff to surface water streams, is prohibited. Neither the bypass nor the upset provisions at 40 CFR 122.41(m) and (n) apply to these discharges.

B. PROVISIONS

1. The discharger must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for enforcement action.
2. Discharges Caused by Severe Natural Conditions – The Regional Board may take enforcement action against the permittee for any sanitary sewer system discharge caused by natural conditions, unless the permittee demonstrates through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) the discharge was caused by severe natural conditions (such as hurricanes, tornadoes, flooding, earthquakes, tsunamis, and other similar natural conditions);
 - (ii) there were no feasible alternatives to the discharge, such as retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, or an increase in the capacity of the system. This provision is not satisfied if, in the exercise of reasonable engineering judgment, the permittee should have installed auxiliary or additional collection system components, wastewater retention, adequate back-up equipment or should have reduced inflow and infiltration.
3. Discharges Caused by Other Factors - For SSOs other than those covered under this section, the permittee may establish an affirmative defense to an action brought for noncompliance if the permittee demonstrates through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) the permittee can identify the cause of the discharge event;
 - (ii) the discharge was exceptional, unintentional, temporary and caused by factors beyond the reasonable control of the permittee;

(iii) the discharge could not have been prevented by the exercise of reasonable control, such as proper management, operation and maintenance; adequate treatment facilities at OCSD's two regional treatment plants or collection system facilities or components (e.g., adequately enlarging treatment or collection facilities to accommodate growth or adequately controlling and preventing infiltration and inflow); preventive maintenance; or installation of adequate backup equipment; and

(iv) the permittee took all reasonable steps to stop, and mitigate the impact of, the discharge as soon as possible.

4. Burden of proof - In any enforcement proceeding, the permittee has the burden of proof to establish that the criteria in this section have been met.
5. In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the sanitary sewer system resulting in a sanitary sewer overflow, the discharger shall, to the extent necessary to maintain compliance with this Order, take any necessary remedial action to 1) control or limit the volume of sewage discharged, 2) terminate the sewage discharge as rapidly as possible, and 3) recover as much of the sewage discharged as possible for proper disposal, including any wash down water. The dischargers shall implement all remedial actions to the extent they may be applicable to the discharge, including the following:
 - a. Interception and rerouting of sewage flows around the sewage line failure;
 - b. Vacuum truck recovery of sanitary sewer overflows and wash down water;
 - c. Cleanup of debris of sewage origin at the overflow site.
6. The discharger shall properly fund, manage, operate and maintain, with adequately trained staff and/or contractors possessing adequate knowledge skills and abilities as demonstrated through a validated program at all times, all parts of the sewage collection system owned and/or operated by the discharger.
7. The discharger shall provide adequate capacity to convey base flows and peak flows, including wet weather related events, for all parts of the collection system owned or operated by the discharger.

8. The discharger shall take all feasible steps to stop, and mitigate the impact of, sanitary sewer overflows in portions of the collection system owned or operated by the discharger.
9. The discharger shall provide notification to the OCHCA and the Regional Board so that they can notify parties with a reasonable potential for exposure to pollutants associated with the SSO.
10. The discharger shall develop and implement a written plan, a Sewer System Management Plan (SSMP), for compliance with these waste discharge requirements and make it available to any member of the public upon request.
11. The essential elements of the SSMP are specified below. If the discharger believes that any element of this section is not appropriate or applicable for the SSMP program, the program does not need to address it, but the SSMP must explain why that element is not applicable. The Regional Board will consider the quality of the SSMP, its implementation and effectiveness in any relevant enforcement action, including but not limited to any enforcement action for violation of the Clean Water Act, the Basin Plan prohibition, or these waste discharge requirements. The SSMP must include the following components, with the exception of non-applicable components, as discussed above:

Sewer System Management Plan (SSMP)

(i) **Goals:** The main goal of the SSMP is to prevent SSOs and to provide a plan and schedule for measures to be implemented to prevent SSOs.

(ii) **Organization:** The SSMP must identify:

(A) Administrative and maintenance positions responsible for implementing measures in the SSMP program, including lines of authority by organization chart or similar document; and

(B) The chain of communication for reporting SSOs, from receipt of a complaint or other information including the person responsible for reporting SSOs to the Regional Water Quality Control Board, Orange County Health Care Agency, and State Office of Emergency Services (OES) if the discharge is 1,000 gallons or larger.

(iii) **Legal Authority:** The SSMP shall include legal authority, through sewer use ordinances, service agreements or other legally binding documents, to:

(A) Control infiltration and connections from inflow sources;

(B) Require that sewers and connections be properly designed and constructed;

(C) Ensure proper installation, testing, and inspection of new and rehabilitated sewers (such as new or rehabilitated collector sewers and new or rehabilitated service laterals);

(D) Limit fats and greases and other debris which may cause blockages in the sewage collection system .

(E) Implement the general and specific prohibitions of the national pretreatment program under 40 CFR 403.5.

(iv) **Measures and Activities.** In order to provide an adequate and appropriate SSO reduction plan, the SSMP must address the elements listed below that are appropriate and applicable to the discharger's system and identify the person or position in the organization responsible for each element:

(A) Provide adequate operation and maintenance of facilities and equipment;

(B) Maintain an up-to-date map of the collection system showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and stormwater conveyance facilities;

(C) Maintain relevant information to establish and prioritize appropriate SSMP activities (such as the immediate elimination of dry weather overflows or overflows into sensitive waters, such as public drinking water supplies and their source waters, swimming beaches and waters where swimming occurs, shellfish beds, designated Outstanding National Resource Waters, National Marine Sanctuaries, waters within Federal, State, or local parks, and water containing threatened or endangered species or their habitat), and identify and illustrate trends in overflows, such as frequency and volume;

(D) Routine preventive operation and maintenance activities by staff and contractors;

(E) Establish a program to assess the current capacity of the collection system owned by the discharger or where the discharger has operational control; including diversions of urban runoff to the sewer system and control of infiltration and intrusion;

(F) Identify and prioritize structural deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency. This shall include a rehabilitation plan including schedules for the entire system;

(G) Provide training on a regular basis for staff in collection system O&M and monitoring and determine if contractors' staff are appropriately trained;

(H) Provide equipment and replacement parts inventories including identification of critical replacement parts.

(I) Establish an implementation plan and schedule for a public education outreach program that promotes proper disposal of grease and fats.

(J) Establish a plan for responding to SSOs from private property that discharge to public right of ways and storm drains, to prevent discharges from SSOs to surface waters and storm drains; and

(K) Develop a plan and a schedule for providing an analysis of alternative methods of disposal for grease and fats, and an implementations plan and schedule for providing adequate disposal capacity for grease and fats generated within the sewer system service area. This plan shall include an evaluation of the feasibility of using sludge digesters at the OCSD treatment plant for grease disposal and treatment, recycling, and rendering, and other disposal alternatives.

(v) Design and Performance Provisions:

(A) Requirements and standards for the installation of new sewers, pumps and other appurtenances; and rehabilitation and repair projects; and

(B) Procedures and specifications for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

(vi) Monitoring, Measurement and Program Modifications

(A) Monitor the implementation and, where appropriate, measure the effectiveness of each element of the SSMP;

(B) Update program elements, as appropriate, based on monitoring or performance evaluations; and

(C) Modify the summary of the SSMP program, as appropriate, to keep it updated and accurate and available for audit at all times.

(vii) Overflow Emergency Response Plan - The dischargers shall develop and implement an overflow emergency response plan that identifies measures to

protect public health and the environment. At a minimum, this plan should include the following:

(A) Ensure proper notification procedures so that the discharger is informed of all SSOs in a timely manner (to the greatest extent possible)

(B) Ensure that all overflows (including those that do not discharge to waters of the State) are appropriately responded to, including ensuring that reports of overflows are immediately dispatched to appropriate personnel for investigation and appropriate response;

(C) Ensure immediate notification to the public, health agencies and other impacted entities (e.g., water suppliers) of all overflows. Report all SSOs to the Regional Water Quality Control Board and the Orange County Health Care Agency, and report to the State OES if the overflow is 1,000 gallons or larger. The SSMP should identify the public health agency and other officials who will receive immediate notification;

(D) Ensure that appropriate staff and contractor personnel are aware of and follow the plan and are appropriately trained;

(E) Provide emergency operations; and

(F) Take all reasonable steps to contain sewage and prevent sewage discharges to surface waters and minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.

(G) A plan for the use of portable aerators where complete recovery of the sanitary sewer overflows is not practicable and where severe oxygen depletion in existing surface waters is expected.

(viii) **Grease and Fat Control Program:** Prepare and implement a grease and fat source control program to reduce the amount of these substances discharged to the sewer collection system. This plan shall include the legal authority to prohibit discharges to the system and identify measures to prevent SSOs caused by grease blockages of sewers.

(A) The grease control program shall identify sections of the sewer system subject to grease blockages and the cleaning maintenance schedule for each section; and

(B) The program shall develop and implement source control measures, for all sources of grease and fats discharged to the sewer system, for each section identified in (A) above.

(ix) **System Evaluation and Capacity Assurance Plan:** Prepare and implement a plan to assure hydraulic capacity under peak flow conditions. At a minimum, the plan must include:

(A) **Evaluation:** Steps to evaluate those portions of the collection system which are experiencing or contributing to an SSO discharge caused by hydraulic deficiency. The evaluation must provide estimates of peak flows (including flows from SSOs that escape from the system) associated with conditions similar to those causing overflow events, estimates of the capacity of key system components, hydraulic deficiencies (including components of the system with limiting capacity) and the major sources that contribute to the peak flows associated with overflow events;

(B) **Capacity Enhancement Measures:** Establish short- and long-term actions to address each hydraulic deficiency problem including prioritization, alternatives analysis, and schedules; and

(C) **Plan updates:** The plan must be updated, at a minimum annually, to describe any significant change in proposed actions and/or implementation schedules. The updates should include available information on the performance of measures that have been implemented.

(x) **SSMP Program Audits** - As part of the SSMP, the permittee shall conduct an audit, appropriate to the size of the system and the number of overflows, and submit a report of such audit, evaluating the SSMP and its compliance with this subsection, including its deficiencies and steps to respond to them.

(xi) **Communications:** - The discharger should communicate on a regular basis with interested parties on the implementation and performance of its SSMP. The communication system should allow interested parties to provide input to the discharger as the program is developed and implemented.

11. The discharger shall develop and implement the SSMP according to the following schedule.

Sewer System Management Plan Time Schedule

Task	Completion Date
Monitoring and Reporting Program No. R8-2002-0014	Effective on Adoption
SSMP Development Plan and Schedule	May 1, 2002
SSO Emergency Response Plan	January 1, 2003
Legal Authority	January 1, 2004
Grease Disposal Alternatives	May 1, 2004
Grease Control Program	May 1, 2004
Capacity Evaluation	January 1, 2005
Sewer Rehabilitation Plan for Entire System	May 1, 2007
Final SSMP	May 1, 2007

C. PERMIT AVAILABILITY

1. A copy of this Order shall be maintained at appropriate locations and shall be available to sanitary sewer system operating and maintenance personnel at all times.

D. ENTRY AND INSPECTION

1. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and

- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

E. GENERAL MONITORING AND REPORTING REQUIREMENTS

1. The discharger shall furnish to the Executive Officer within a reasonable time, any information which the Executive Officer may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.
2. Pursuant to California Water Code Section 13267(b), the discharger shall comply with the attached Monitoring and Reporting Program No.R8-2002-0014 and future revisions thereto as specified by the Executive Officer. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No.R8-2002-0014.

F. CHANGE IN OWNERSHIP

1. This Order is not transferable to any person, except after notice to the Executive Officer. The discharger shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this Order's responsibility and coverage between the existing discharger and the new discharger. This agreement shall include an acknowledgement that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on.

G. INCOMPLETE REPORTS

1. Where the discharger becomes aware that it failed to submit any relevant facts in any report required under this Order to the Regional Board, it shall promptly submit such facts or information.

H. REPORT DECLARATION

1. All applications, reports, or information (except for 24 hour Sanitary Sewer Overflow Reports) submitted to the Executive Officer shall be signed and certified as follows:

- a. All reports, including disks, (except for preliminary Sanitary Sewer Overflow Reports submitted as soon as possible) required by this Order and other information required by the Executive Officer shall be signed and certified by a person designated, for a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official, or by a duly authorized representative of that person as described in paragraph b. of this provision.
- b. An individual is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph a. of this provision;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and
 - (3) The written authorization is submitted to the Executive Officer.
- c. Any person signing a document under this provision shall make the following certification:

"I swear under penalty of perjury that the information submitted in this document is true and correct. I certify under penalty of perjury that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

I. REGIONAL BOARD ADDRESS

- 1. The discharger shall submit reports required under this Order, or other information required by the Executive Officer, to:

Executive Officer
Santa Ana Regional Board
3737 Main Street, Suite 500
Riverside, CA 92501-3348
Phone No.(909-) 782-4130
Fax No.(909) 781-6288

J. CIVIL MONETARY REMEDIES FOR DISCHARGE VIOLATIONS

1. The California Water Code provides that any person who violates this Order is subject to civil monetary remedies.
2. The California Water Code also provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or falsifying any information provided in the technical or monitoring reports is also subject to a civil monetary penalties.

K. U.S. EPA REVIEW

1. These requirements have not been officially reviewed by the United States Environmental Protection Agency and are not issued pursuant to Section 402 of the Clean Water Act.

L. SEVERABILITY

1. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
2. This order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state or local laws, nor create a vested right for the discharger to continue the waste discharge.

M. ORDER

1. This order becomes effective on the date of adoption by the Regional Board. This order and monitoring and reporting program supersedes all reporting requirements for sanitary sewer overflows at any point upstream of the sewage

treatment plant for agencies and facilities with waste discharge requirements as listed in the attached Table A.

I, Gerard J. Thibeault, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on

Gerard J. Thibeault
Executive Officer